HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20167 OF 2007

DATED: 21.9.2007

Between:

Chekuri Sri Rama Krishna Prasad

… Petitioner

and

Greater Visakhapatnam Municipal
Corporation, Visakhapatnam, represented by its
Commissioner

… Respondent

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20167 OF 2007

ORAL ORDER:

The petitioner asserts that without issuing any notice, the respondent is threatening to demolish the structures constructed by the petitioner, in an extent of 680 sq.mtrs of land in Plot Nos. 36, 37 and 38 in T.S.No.57/2, Ward No.31 at Vadlapudi Village, Shivaji Nagar, Visakhapatnam.

The petitioner claims to have purchased the property under registered sale deeds dated 13.5.2004. He applied for and was granted permission for construction of residential apartments consisting of Ground+four upper floors, by proceedings of the respondent-Corporation dated 12.10.2006. While the petitioner is in the process of making constructions, pursuant to the sanctioned plan, on 20.9.2007, the officials of the 1st respondent-Corporation are alleged to have come on to the property and threatened demolition of the structures, on the allegation that the petitioner has violated the sanctioned plan and was making deviant constructions.

On instructions, Sri N. Ranga Reddy, the learned Standing

Counsel for the respondent-Corporation, submits that the respondent cannot and will not resort to any demolitions, except by following the due procedure i.e., by issuing a notice. It is stated that the respondent has merely marked the structures, which are in deviance of the sanctioned plan.

In any event, in view of the specific averment in the writ petition that the officials of the respondent-Corporation are threatening demolition without following the due process of law, the writ petition is disposed of directing the respondent-Corporation not to demolish the structures in the petitioner's property, without issuing a notice for demolition, as contemplated under Sections 452 and 636 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') as is applicable to the respondent-Corporation. In case, there are any deviations in the constructions being made by the petitioner in the property in question, the respondents shall forthwith inspect the premises and stop the petitioner from making any constructions whatsoever, unless the petitioner removes the deviations. In respect of the deviations, the respondent is always at liberty to take appropriate proceedings after complying with the procedural requirements of Sections 452 and 636 of the Act.

The writ petition is disposed of as above. There shall be no order as to costs.

- **GODA RAGHURAM, J**

Date: 21.9.2007

Note:
CC as soon as possible.
Bo cvm